

08-10-05

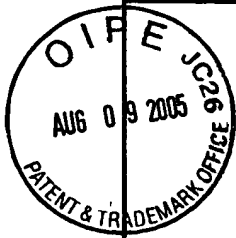
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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number		10/708,439
Filing Date		March 3, 2004
First Named Inventor		Ty Albert Hartwick
Art Unit		3643
Examiner Name		Richard Thomas Price, Jr.
Total Number of Pages in This Submission	4	Attorney Docket Number
		717119.466

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below); return postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks: Election responsive to restriction requirement	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Blackwell Sanders Poper Martin, LLP		
Signature			
Printed Name	Mark E. Stallion		
Date	Aug 08, 2005	Reg. No.	46,132

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.
Express Mail Label No.: EV554056562US

Signature			
Typed or printed name	Lisa Askew	Date	Aug 9, 2005

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PATENT
717119.466

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ty Albert Hartwick	:	Examiner: Richard Thomas Price, Jr.
	:	
Serial No.: 10/708,439	:	Group Art Unit: 3643
	:	
Filed: March 3, 2004	:	Attorney Docket No.: 717119.466
	:	
For: SYSTEM AND METHOD FOR PRODUCTION OF EXACT WEIGHT GROUND MEAT	:	Customer No.: 027128
	:	
	:	Confirmation No.: 2438
Last Office Action: July 13, 2005	:	

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated July 13, 2005, Applicant hereby elects for prosecution at this time Group I claims 1-24, drawn to a system for producing portions of ground meat. The election of Group I claims is made with traverse without prejudice to the elected Group I claims and without prejudice to the non-elected Group II claims.

In response to the requirement for election of a species, Applicant provisionally elects with traverse the species of I-3b as claimed in claim 9.

Reconsideration and withdrawal of the requirement for restriction are respectfully requested. The Applicant contends that Group I and II are closely related and have a common utility. Specifically, the apparatus and method for the production of ground meat have the

common utility of producing a ground meat product having a consistent weight. The Applicant further contends that the Groups I and II claims don't pose a serious burden for the examiner by requiring separate searches.

With regard to species 1-1a as claimed in claim 3 and species 1-1b as claimed in claim 4, both relate to a vacuum pump. Claim 3 recites a vacuum pump in general and claim 4 further limits the vacuum pump configuration. Thus, the species restriction is not appropriate. Species 1-2 (a-n) simply recites a location monitoring mechanism that can be selected from a group of monitors well known in the art, thus this species restriction is not appropriate. Species 1-3a (Claim 8) and 1-3b (Claim 9) relate to two different limitations. Claim 8 relates to a location monitoring mechanism whereas claim 9 relates to an electronic control. The applicant assumes species 1-3a (Claim 8) was intended for Claim 7. Assuming this to be true, Claim 7 related to a closed loop feedback electronic control responsive to product output, is simply a further limitation of the electronic control. Whereas Claim 9 simply relates to an electronic control for controlling the density of the stream of meat, thus this species restriction is not appropriate. Species 1-4a (Claim 15) and species 1-4b (Claim 16) simply relates to comparing the weight of each individual portion of a product received with a control value such as average weight or target weight. This species restriction is also not appropriate. Therefore, based on the above, the applicant respectfully requests the Examiner withdraw the species restriction.

Because Applicant may wish to pursue claims of the non-elected Groups and species at a later date by Divisional Application, if necessary, it is requested that these claims, pursuant to 37 CFR 1.142, be permitted to remain in the application, but withdrawn from examination.

Application of: Ty Albert Hartwick
Serial No.: 10/708,439
Response to Restriction Requirement

This response does not present any new matter. Accordingly, as all requirements of the Action have been complied with, an action on the merits and a Notice of Allowance are hereby respectfully solicited.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: Aug 08, 2005



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